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EXAMINER

TEKLE, DANIEL T

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/714,917	<b>Applicant(s)</b> MORI ET AL.	
	<b>Examiner</b> DANIEL TEKLE	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26,28 and 30-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26,28 and 30-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claim 1-26, 28 and 30-40 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-21 and 28-40 rejected under 35 U.S.C. 102(b) as being anticipated by Haneda (US 6,211,974).

**Regarding Claim 1:** Haneda discloses a short film generation/reproduction apparatus for generating a video using at least one still picture and reproducing the video, the short film generation/reproduction apparatus comprising: a database unit operable to store a still picture group including a plurality of still pictures **(column 43 lines 35-43)**; a feature of each still picture included in the still picture group, the feature of each still picture being from among features identified in an expression for still pictures **(column 43 lines 35-43)**; a style group including a plurality of styles indicating an outline of the video **(column 43 lines 44-57)**; a feature of each style included in the style group, the feature of each style being from among features identified in an expression for styles

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**(column 43 lines 44-57);** a music group including a plurality of musical pieces; and a feature of each musical piece included in the music group, the feature of each musical piece being from among features identified in an expression for music **(column 9 lines 1-6 and column 43 lines 44-57);** a selection unit operable to select, from only one selection group that is only one of the still picture group, the style group, and the music group, as a selection element used when generating the video, a still picture, a style, or a musical piece **(column 9 lines 1-6 and column 43 lines 44-57);** a feature reading unit operable to read out, from the database unit, the feature of the selection element selected by the selection unit **(column 10 lines 7-23 and (column 43 lines 57-67);** a feature conversion unit operable to convert the feature read out by the feature reading unit into features identified in two other expressions, from among the expression for still pictures, the expression for style, and the expression for music, the two other expressions being expressions other than the expression including the feature read out by the reading unit **(column 10 lines 7-23 and column 43 lines 35-67);** a determination unit operable to determine, as two other elements used to generate the video, a still picture, a musical piece, or a style from each corresponding group of two groups other than the selection group from among the still picture group, the style group, and music group, the two other elements being determined based on file features included in the two other expressions and resulting from the conversion by the feature conversion unit **(column 9 lines 25-43 and column 43 lines 35-67);** and a scenario generation unit operable to generate a scenario of the video, based on the

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selection element selected by the selection unit and the two other elements determined by the determination unit (**Fig. 31 and column 29 lines 31-66**).

**Regarding Claim 2:** Haneda short film generation/reproduction apparatus according to claim 1, wherein the feature conversion unit converts a feature of a still picture that is read out by the feature reading unit into a feature of a musical piece and a feature of a style, when the selection unit selects the still picture (**column 8 line 58 to column 9 line 6 and column 43 lines 57-67**).

**Regarding Claim 3:** Haneda short film generation/reproduction apparatus according to claim 1, wherein the feature conversion unit converts a feature of a musical piece that is read out by the feature reading unit into a feature of a still picture and a feature of a style, when the selection unit selects the musical piece(**column 9 lines 1-11**).

**Regarding Claim 4:** Haneda short film generation/reproduction apparatus according to claim 1, wherein the feature conversion unit converts a feature of a style that is read out by the feature reading unit into a feature of a still picture and a feature of a musical piece, when the selection unit selects the style (**column 9 lines 1-11**).

**Regarding Claim 5:** Haneda short film generation/reproduction apparatus according to claim 1, wherein the database unit further stores a theme of the video to be generated and a feature of the theme from among features identified in an expression for themes (**Fig. 21**), wherein the selection unit selects one of the following elements to be used when generating the video: a still picture; a musical piece; a style (**Fig. 21 and column 43 lines 44-67**); and a theme, and wherein the feature reading unit reads out, from the

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database unit, the feature corresponding to the element selected by the selection unit, the feature being one of the feature of the still picture, the feature of the musical piece, the feature of the style, and the theme feature of the them (**Fig. 22 and column 43 lines 44-67**).

**Regarding Claim 6:** Haneda short film generation/reproduction apparatus according to claim 2, wherein the feature conversion unit converts a feature of a theme that is read out by the feature reading unit into a feature of a still picture, a feature of musical piece, and a feature of a style, when the selection unit selects the theme (**Fig. 21-22 and column 43 lines 35-67**).

**Regarding Claim 7:** Haneda short film generation/reproduction apparatus according to claim 1, further comprising: a still picture obtainment unit operable to obtain a still picture (**column 9 lines 19-24**); and a picture feature extraction unit operable to extract feature identified in the expression for still pictures from the still picture obtained by the still picture obtainment unit (**column 9 lines 7-24**).

**Regarding Claim 8:** Haneda short film generation/reproduction apparatus according to claim 7, further comprising an object information extraction unit operable to extract object information from the still picture obtained by the still picture obtainment unit, the object information being information about an object included in the still picture (**column 9 7-24**).

**Regarding Claim 9:** Haneda short film generation/reproduction apparatus according to claim 8, wherein the style includes (i) a predetermined number of effects specifying

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what kind of visual effect is used to reproduce at least one target still picture which is the still picture obtained by the still picture obtainment unit and (ii) a parameter including an attribute of the style **(column 10 lines 23-49)**, and wherein the scenario generation unit associates, with each of the predetermined number of effects, the object information included in the at least one target still picture of each of the predetermined number of effects **(column 10 lines 27-37)**.

**Regarding Claim 10:** Haneda short film generation/reproduction apparatus according to claim 9, wherein the scenario generation unit includes: an effect arrangement unit operable to select effects one by one from among the predetermined number of effects included in the style, and to arrange the selected effects one by one in a time domain **(column 10 lines 33-50)**; a still picture assignment unit operable to assign a still picture to each of the effects arranged in the time domain by the effect arrangement unit on the basis of the object information, the still picture satisfying a picture feature required by the respective effects **(column 10 lines 33-50)**; and a parameter setting unit operable to generate the scenario by describing a parameter indicating processing to be performed on the object suitable for each of the effects arranged in the time domain by the effect arrangement unit, and to store the generated scenario in the database unit **(column 10 lines 27-33)**.

**Regarding Claim 11:** Haneda short film generation/reproduction apparatus according to claim 10, wherein the picture feature required by each of the effects is a feature of the object **(column 6 lines 27-33)**.

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**Regarding Claim 12:** Haneda short film generation/reproduction apparatus according to claim 10, wherein the feature of the object is at least one of a type of the object, a color of the object, a shape of the object, and a number of objects (**column 22 lines 7-12**).

**Regarding Claim 13:** Haneda short film generation/reproduction apparatus according to claim 10, further comprising a feature point extraction unit operable to extract, from the object, a feature point indicating a characteristic part of the object, and to store the extracted feature point in the object information, wherein the parameter setting unit generates the scenario by describing a parameter indicating processing to be performed on a position where the feature point of the object is located (**column 10 lines 27-30**).

**Regarding Claim 14:** Haneda short film generation/reproduction apparatus according to claim 10, wherein the database unit further stores face information for individual authentication used to identify a face of an individual (**Fig. 50**), wherein the short film generation/reproduction apparatus further comprises a face authentication unit operable to authenticate a name of the object based on the face information and to store the authenticated name of the object in the object information, when the object extracted by the object information extraction unit is a person's face (**Fig 49**), and wherein the parameter setting unit generates the scenario by describing a parameter indicating processing to be performed on the object specified by the authenticated name (**Fig 49 and 64**).



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**Regarding Claim 15:** Haneda short film generation/reproduction apparatus according to claim 14, further comprising: an individual information storage unit operable to store individual information in which a name of an individual and an attribute of the individual are associated with each other (**Fig. 46**); and an individual information search unit operable to search, from the individual information, for the attribute of the individual corresponding to the name of the object authenticated by the face authentication unit, and to store the individual attribute obtained by the search in the object information (**column 22 lines 4-21**), wherein the parameter setting unit generates the scenario by describing a parameter indicating processing to be performed on the object specified by the individual attribute (**column 5 lines 5-9 and Fig. 64**).

**Regarding Claim 16:** Haneda short film generation/reproduction apparatus according to claim 1, wherein the style includes (i) a predetermined number of effects specifying what kind of visual effect is used to reproduce one still picture which is a target of each of the predetermined number of effects and (ii) a parameter including an attribute of the style, and wherein the scenario generation unit arranges the predetermined number of effects based on the attribute of in the style and an attribute included in each of the predetermined number of effects (**Fig. 65**).

**Regarding Claim 17:** Haneda short film generation/reproduction apparatus according to claim 16, wherein the predetermined number of effects is either a basic effect including only one effect or an effect block made up of a plurality of basic effects (**column 10 lines 33-50**), and wherein the scenario generation unit arranges the basic

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effect or the effect block, based on the attribute of the style and the attribute included in each of the predetermined number of effects **(column 10 lines 27-50)**.

**Regarding Claim 18:** Haneda short film generation/reproduction apparatus according to claim 16, wherein the scenario generation unit assigns a still picture to each of the predetermined number of effects, the still picture being suitable for a type of each of the predetermined number of effects **(column 10 lines 27-33)**.

**Regarding Claim 19:** Haneda short film generation/reproduction apparatus according to claim 1, further comprising: a short film selection unit operable to select the video to be reproduced **(column 10 lines 27-33)**; and a short film reproduction unit operable to read out, from the database unit, the scenario of the video selected by the short film selection unit, and one still picture and the music defined in the scenario, and to reproduce the video based on the scenario **(column 10 lines 27-33)**.

**Regarding Claim 20:** Haneda short film generation/reproduction apparatus according to claim 19, further comprising a display unit operable to display the video reproduced by the short film reproduction unit **(column 10 lines 27-33)**.

**Regarding Claim 28:** Haneda short film generation/reproduction apparatus for generating a video using at least one still picture and reproducing the video, the short film generation/reproduction apparatus comprising: a database unit operable to store a still picture, a picture feature indicating a feature of the still picture, music, a musical feature indicating a feature of the music, and an effect specifying what kind of visual effect is used to reproduce the still picture which is a target of the effect **(column 3**

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**lines 8-25**); a selection unit operable to select one of the following elements to be used when generating the video: the still picture; and the music (**column 3 lines 14-25**); a feature reading unit operable to read out, from the database unit, the feature corresponding to the element selected by the selection unit, the feature being either the picture feature or the musical feature (**column 4 lines 4-7**); a feature conversion unit operable to convert the feature read out by the feature reading unit into the another feature (**column 4 lines 4-16**); a determination unit operable to determine another element, based on the other feature resulting from the conversion by the feature conversion unit (**column 4 lines 1-16**); a style generation unit operable to determine a predetermined number of effects and a parameter used to generate the video, and generate a style indicating an outline of the video to be generated, based on the element selected by the selection unit and the other element determined by the determination unit (**column 4 lines 26-48**); and a scenario generation unit operable to generate a scenario of the video, based on the element selected by the selection unit and the other element determined by the determination unit, the style generated by the style generation unit (**column 10 lines 27-33**).

**Regarding Claim 30:** Claim 30 is reject for the same subject matter as discussed in claim 1.

**Regarding Claim 31:** Haneda short film generation/reproduction apparatus according to claim 30, wherein the picture feature required by each of the effects is a feature of the object (**column 10 lines 27-33**).

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**Regarding Claim 32:** Haneda short film generation/reproduction apparatus according to claim 31, wherein the feature of the object is at least one of a type of the object, a color of the object, a shape of the object, and a number of objects (**column 10 lines 23-27**).

**Regarding Claim 33:** Haneda short film generation/reproduction apparatus according to claim 30, wherein the input unit further includes a feature point extraction unit operable to extract, from the object, a feature point indicating a characteristic part of the object (**Fig. 64**), and wherein the parameter setting unit generates the scenario by describing a parameter indicating processing to be performed on a position where the feature point of the object is located (**Fig. 64**).

**Regarding Claim 34:** Haneda short film generation/reproduction apparatus according to claim 30, wherein the database unit further stores face information for individual authentication used to identify a face of an individual, wherein the input unit further includes a face authentication unit operable to authenticate a name of the object based on the face information and to store the authenticated name of the object in the object information, when the object extracted by the object information extraction unit is a person's face (**Fig. 46**), and wherein the parameter setting unit generates the scenario by describing a parameter indicating processing to be performed on the object specified by said authenticated name (**Fig. 64**).

**Regarding Claim 35:** Haneda short film generation/reproduction apparatus according to claim 34, further comprising an individual information storage unit operable to store

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individual information in which a name of an individual and an attribute of the individual are associated with each other (**Fig. 46**), wherein the input unit further includes an individual information search unit operable to search, from the individual information, for the attribute of the individual corresponding to the name of the object authenticated by the face authentication unit, and to store the individual attribute obtained by the search in the object information, and wherein the parameter setting unit generates the scenario by describing a parameter indicating processing to be performed on the object specified by the individual attribute (**Fig. 64**).

**Regarding Claim 36:** Claim 36 is reject for the same subject matter as discussed in claim 28.

**Regarding Claim 37:** Claim 37 is reject for the same subject matter as discussed in claim 1.

**Regarding Claim 38:** Claim 38 is reject for the same subject matter as discussed in claim 30.

**Regarding Claim 39:** Claim 39 is reject for the same subject matter as discussed in claim 1.

**Regarding Claim 40:** Claim 40 is reject for the same subject matter as discussed in claim 30.

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 21-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Haneda as applied to claim 1-20 above, and further in view of Nishikawa et al. (US 2005/0158030).

**Regarding Claim 21:** Haneda short film generation/reproduction apparatus according to claim 19, further comprising an operation unit operable to operate the short film generation/reproduction apparatus and a display device for displaying the video, the display device being connected to the short film generation/reproduction apparatus **(column 10 lines 18-33)**, wherein the short film reproduction unit modulates a signal obtained by reproducing the video into an RF signal so as to output the RF signal, and starts reproducing the video when a predetermined channel button is pressed down, the channel button being included in the operation unit and being assigned the RF signal **(Fig. 2 of Nishikawa et al.)**.

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combine Nishikawa et al. invention into Haneda in order to distribute video or picture files.

**Regarding Claim 22:** Haneda short film generation/reproduction apparatus according to claim 21, wherein the short film reproduction unit switches the video being

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reproduced to another video, every time the channel button is pressed down (**Fig. 2 of Nishikawa et al.**).

**Regarding Claim 23:** Haneda short film generation/reproduction apparatus according to claim 22, wherein the short film reproduction unit reproduces a plurality of videos and outputs a plurality of RF signals all at once (**Fig. 2 of Nishikawa et al.**).

**Regarding Claim 24:** Haneda short film generation/reproduction apparatus according to claim 19, further comprising an operation unit operable to operate the short film generation/reproduction apparatus and a display device for displaying the video, the display device being connected to the short film generation/reproduction apparatus, wherein the short film reproduction unit modulates a signal obtained by reproducing the video into a video signal so as to output the video signal, and starts reproducing the video when a predetermined button is pressed down, the button being included in the operation unit and being assigned the video signal (**Fig. 2 of Nishikawa et al.**).

**Regarding Claim 25:** Haneda short film generation/reproduction apparatus according to claim 24, wherein the short film reproduction unit switches the video being reproduced to another video, every time the button is pressed down (**Fig. 2 of Nishikawa et al.**).

**Regarding Claim 26:** Haneda short film generation/reproduction apparatus according to claim 1, wherein the short film generation/reproduction apparatus is a home server (**Fig. 2 of Nishikawa et al.**).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DANIEL TEKLE** whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/  
Examiner, Art Unit 2621